

Commission wants member states to criminalise hate speech

EurActiv.com by [Georgi Gotev](#)



Frans Timmermans and Věra Jourová [European Commission]

Justice Commissioner Věra Jourová said on Thursday (1 October) that member states have the obligation to criminalise hate speech and make sure the law is enforced.

Jourová spoke to the press on the occasion of the opening of a two-day colloquium on combatting anti-Semitism and Islamophobia, hosted by the European Commission in Brussels.

At the colloquium, Commission First Vice-President Frans Timmermans and Jourová will lead discussions on how to fight hatred of Judeo-Muslim minorities in Europe, and foster tolerance and respect. Participants at the Colloquium will include members of the Jewish and Muslim communities, national and local authorities, NGOs, companies, media representatives and individuals.

The colloquium takes place against the background of the current refugee crisis, which has seen a great deal of negative language and hate speech targeted at those arriving, with far right movements and populist discourses exploiting the situation.

The German Ministry of Interior has recorded as many as 202 attacks on housing for asylum seekers in the first half of 2015 alone. A sharp rise in xenophobic comments on social media platforms has also been observed.

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Strangely, according to the papers released, the issue of hate speech against the Roma was not an issue, possibly because Roma advocates have less influence on the Commission.

The executive says the challenge was highlighted by data from the EU Agency for Fundamental Rights on anti-Semitic offences, published on 30 September, and by a new Eurobarometer survey on discrimination, published on 1 October.

Statistics published in the Eurobarometer survey show that:

- 50% of Europeans believe discrimination based on religion or beliefs is widespread (up from 39% in 2012);
- 33% believe that expressing a religious belief can be a disadvantage when applying for a job (up from 23% in 2012);
- Muslims suffer from the lowest levels of social acceptance among religious groups, with only 61% of respondents stating that they would be fully comfortable with a colleague at work being Muslim, and only 43% being fully comfortable if their adult children had a relationship with a Muslim person.
- The EU Fundamental Rights Agency survey on discrimination and hate crime against Jews shows rising anti-Semitism in Europe. 73% of respondents felt that anti-Semitism online has become worse over the last five years.

Asked what member states should do to respond to the challenge, Jourová said the framework decision on fighting certain forms and expressions of racism and xenophobia by means of criminal law obliges member states to introduce in their criminal codes offenses of hate speech and ethnic or religious hatred, and to penalise them.

"This is a very concrete action we want member states to do, not only to have it in the law, but enforce it," she said.

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EurActiv asked Timmermans and Jourová how it is possible to criminalise hate speech, which has become widespread amongst political parties, some represented in the European Parliament, and used as a primary instrument to lure voters. In Central Europe, a region Jourová knows well, hate speech against the Roma is commonplace.

Timmermans smiled and left Jourová to respond.

"The law must be valid for everybody. If a politician incites hatred, the law must apply to such a person," she said.

In fact, elected politicians are often protected by parliamentary immunity.

The Framework Decision obliges the EU's member states to penalise hate speech, i.e. public incitement to violence and hatred based on race, colour, religion, descent or national or ethnic origin, as well as hate crimes that have a racist or xenophobic motivation. In terms of hate speech, the Framework Decision applies both to the online as well as to the offline world.

Jourová said she would meet with representatives of IT companies on the issue of removing hate speech from social media websites.